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DATE FILED: 3/31/2014

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**MEMO ENDORSED**

March 31, 2014

Via ECF and Hand Delivery

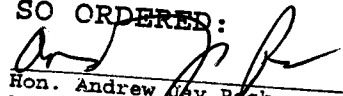
Hon. Andrew J. Peck  
United States District Court  
500 Pearl Street  
New York, New York 10007

Re: Thornapple Associates, Inc. v. Deutsch,  
13-cv-9196 (LGS)(SJP)

Dear Judge Peck:

We represent Mr. Peter E. Deutsch in the above-captioned matter. Pursuant to Your Honor's order dated March 24, 2014 (the "Order"), mediation has been scheduled for April 2, 2014 at 2:00 PM before Your Honor. The Order requires that "[c]ounsel attending the conference must have full settlement authority and their client(s) must be present at the conference." We are writing to request an adjournment for the following reasons:

1. Because of an unexpected set of circumstances arising this afternoon, Mr. Deutsch is unable to attend the April 2, 2014 mediation.
2. This afternoon, we reached out to counsel for the Plaintiff to reschedule the mediation and offered to be available at Plaintiff's and Plaintiff's counsel's convenience. Despite Mr. Deutsch's unavoidable scheduling conflict, Plaintiff has refused to extend the courtesy of an adjournment. In fact, even though Defendant has offered to be available at the Plaintiff's earliest convenience, Plaintiff responded that its representative cannot reschedule.
3. This afternoon, counsel for the Plaintiff has indicated an objection to David Graff, Esq. appearing at any mediation session. David Graff has been Mr. Deutsch's long term attorney and advisor in a multitude of personal and business matters. Indeed, Messrs. Deutsch and Graff believe it would be in the best interest of all parties involved that Mr. Graff be permitted to attend any settlement negotiation and mediation. Mr. Graff is lead counsel on the *Deutsch v. Fidelity* matter underlying this dispute.

SO ORDERED:  
  
Hon. Andrew Jay Peck  
United States Magistrate Judge

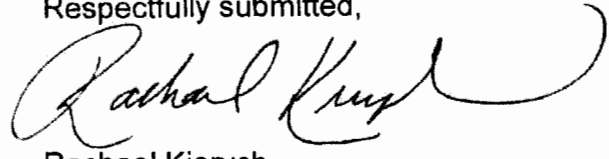
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Accordingly, Defendant respectfully requests a short adjournment of the mediation date, and direction permitting Mr. Graff to attend any future mediation(s). No prior request for an adjournment to the mediation has been made by either party. We apologize for any inconvenience this request may cause Your Honor as well as the Plaintiff. We stand ready to appear at a future mediation at a date convenient for Your Honor (and Plaintiff).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rachael Kierych', with a large, sweeping flourish extending to the right.

Rachael Kierych

Cc: Via ECF

Dennis M. Rothman, Esq.